с даты их регистрации в качестве безработных или зарегистрировались в качестве безработных после прохождения профессиональной подготовки и предоставили в отдел трудоустройства отказы в приеме на работу от нанимателей, к которым получали направление.

Заключение. Таким образом, предложенные решения обозначенных проблемных правовых и организационно-методических аспектов обеспечения работы уголовно исполнительной системы, органов внутренних дел, местного управления и самоуправления, негосударственных организаций с лицами, освобожденными из мест лишения свободы, позволят повысить эффективность исполнения целей уголовного и уголовно–исполнительного законодательства в части, касающейся исправления и ресоциализации осужденных, формирования у них готовности вести правопослушный образ жизни в условиях свободы, а также предупреждения совершения преступлений; упорядочить правоотношения в сфере постпенитенциарной социальной адаптации освобожденных из мест лишения свободы; прогнозировать поведение освобожденного из мест лишения свободы в вопросе предупреждения совершения им нового преступления.

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ON THE QUESTION OF THE AMBIGUITY OF THE TERM "GOOD FAITH" IN CIVIL LAW OF THE REPUBLIC OF BELARUS

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One of the principles of the civil legislation of the Republic of Belarus is the principle of good faith and reasonableness of participants in civil legal relations. According to paragraph 8 of Part 2 of Article 2 of the Civil Code of the Republic of Belarus (hereinafter referred to as the Civil Code), "good faith and reasonableness of participants in civil legal relations is assumed, since nothing else has been established" [1]. In this norm-principle, we are talking about the legal presumption of good faith and reasonableness of persons involved in civil legal relations, but the criteria of good faith are not called. The considerable attention has been paid to the study of the category "good faith" in several scientific publications. But there is no clarity on the content of this concept. The relevance of the study is due to the ambiguity of the term "good faith" and the uncertainty of this concept in relation to various spheres of public relations.

The purpose of this paper is to study the doctrinal approaches to defining the concept of "good faith" and to determine the criteria for fair behavior.

Material and methods. Research materials are the civil law norms and scientific publications on the topic of research.

Results and their discussion. The concept of "good faith" is considered in the doctrine of civil law, as a rule, in two aspects: they distinguish between good faith in objective and subjective meanings. Having drawn an analogy with the understanding of law in objective and subjective meanings, we can say that "subjective" good fight is connected with the subject of law, is a certain characteristic of it.

In contrast, an objective understanding of good faith boils down to the fact that the conscientiousness and reasonableness of the participants in civil legal relations are elevated in the category of not only the principle of civil law, but also the legal presumption and are enshrined as a standard, an example of socially expected behavior in the norm of Part two of Article 2 of the Civil Code [1].

This issue has been touched upon in a number of scientific publications [2]. The need has been substantiated to clearly distinguish good faith as a principle of civil law and as a legal presumption (good faith in an objective sense) and the conscientious behavior of subjects of civil legal relations as a manifestation of the subjective aspect of the concept of good faith [3, p. 91; 4, p. 78-82]. There is a more radical opinion according to which the principle of good faith is no more connected with "subjective" good faith than with any other institutions of civil law [4, p. 78].

In this regard, K.V. Nam notes: "These two categories despite their terminological identity, represent various independent legal phenomena. And the difference between them is not only that the first is attributed to the principles of civil law and is applicable to all civil law relations, and the second is a special case of the legal qualification of certain factual circumstances. They have different goals and objectives, different functions, not to mention the difference in the mechanisms of legal regulation" [4, p. 78]. N. L. Bondarenko draws attention to the difference between the concepts of good faith as a legal presumption and good faith as a principle of law in one of her papers [5, p. 91].

The above opinions are not without reason. But the position of Yu.A. Amelchenya is closer to us, in which the objective and subjective components of the concept of "good faith" coexist, complementing each other. In particular, the author notes the following: "The test of good faith and reasonableness in civil relations is based on the norms-principles of the Civil Code of the Republic of Belarus, presuming good faith and reasonableness of participants in civil legal relations, since nothing else has been established, as well as on the assessment of factual circumstances in the process of law enforcement" [6, p. 118-119].

"Good faith in the subjective sense is understood as an excusable ignorance of certain facts of legal significance by a person" [4, p. 78]. According to M.V. Tsvetkova, "good faith is an excusable ignorance of the fact that prevents

the emergence of a right (for example, in the case of an acquisition statute of limitations)" [7, p. 49]. The subjective component in the concept of good faith is distinguished by E.V. Bogdanov, K.I. Sklovsky [8, p. 12; 9, p. 81].

According to E.V. Bogdanov, good faith is "the subjective side of their [participants in civil legal relations] behavior when they did not know and could not know about the rights of third parties to the relevant property or their other incompetence" [8, p. 12]. "Good faith as a state of will of a person, which is characterized by an excusable ignorance of objective obstacles to achieving the legal goal pursued by him, primarily the acquisition of private law" [9, p. 81]. T.V. Deryugina formulates the subjective understanding of conscientiousness somewhat differently. She notes: "Good faith is the ability of a person to exercise moral self-control from the standpoint of his behavior to the requirements of morality and law. For a conscientious subject, it is not required that he is aware of or foresee any adverse consequences for other persons, the principle of good faith, first of all, should be aimed at realizing his own positive behavior" [10, p. 32]. Such a point of view is refuted by M.K. Suleimenov, according to whom "good faith in a subjective sense is determined not by an honest way of thinking as such, but by knowledge or ignorance of facts" [11, p. 32].

In our opinion, the last statement more succinctly reflects the concept of so-called subjective good faith as a person's ignorance of the existence of legal facts that are the basis for the emergence, modification and termination of civil legal relations. In contrast, we can talk about a subjective understanding of the dishonesty of participants in civil legal relations as a state of awareness of these persons about such circumstances and the deliberate commission of acts contrary to this knowledge.

Conclusion. Thus, the ambiguity of the term "good faith" is evident when various legal phenomena appear under the same name "good faith". This is one of the principles of civil law, and a legal presumption, and an excusable ignorance of the facts of the person, and the behavior of the subjects of law, characterized by various signs, as well as the state of the will of the person and so on.

Summing up, we note that good faith in civil law is a principle, a presumption, a characteristic of a legally significant action (or activity), a characteristic of the subject of civil law relations directly, as well as the limit of the exercise and protection of subjective civil rights, going beyond which may entail a violation of the rights and freedoms of citizens and organizations, and hence certain legal consequences.

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ПРОБЛЕМНЫЕ ВОПРОСЫ ПРАВОВОГО РЕГУЛИРОВАНИЯ РАСЧЕТА РАЗМЕРА ВРЕДА, ПРИЧИНЕННОГО ОКРУЖАЮЩЕЙ СРЕДЕ

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Охрана окружающей среды является важным аспектом в сфере обеспечения экологической безопасности общества и государства. В настоящее время нередки случаи причинения вреда окружающей среде противоправными действиями граждан и юридических лиц. Для восстановления компонентов природной среды необходимы существенные затраты, а, следовательно, лицо, совершившее правонарушение обязано возместить их. При расчете размера вреда, причиненного окружающей среде, применяются специальные способы, закрепленные в законодательстве, но, тем не менее, существуют проблемные моменты, которые требуют принятия дополнений в действующее законодательство.

Цель работы – проанализировать нормативные правовые акты, регулирующие порядок расчета размера вреда причинённого окружающей среде, выявить проблемные моменты и предложить пути совершенствования законодательства в данной сфере.

Материал и методы. Материалом для написания работы послужили Закон Республики Беларусь от 26 ноября 1992 г. № 1982-XII (с изм. и доп.) «Об охране окружающей среды» [1], Постановление Совета Министров Республики Беларусь от 11 апреля 2022 г. N 219 «О таксах для определения размера возмещения вреда, причиненного окружающей среде, и порядке его исчисления» [2], труды ученых юристов. При проведении исследования были применены методы анализа, синтеза, формально-юридический.

Результаты и их обсуждение. Среди экологических прав особое место занимает право на возмещение экологического вреда [3],